

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

WILLIAM KEVIN LIGHTNER,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-00051

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Instead of filing a brief in support of the Commissioner's decision, defendant filed a motion to remand this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings as outlined in defendant's motion to remand. Plaintiff consents to remand.

Given that defendant's motion to remand is uncontested, the court hereby **VACATES** the referral to Magistrate Judge Tinsley and orders as follows:

1. Defendant's Motion to Remand is **GRANTED**;
2. The final decision of the Commissioner is **REVERSED**;
3. The case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for

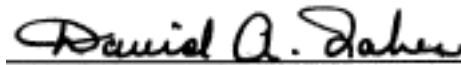
further proceedings as outlined in the motion to remand; and

4. This Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to Magistrate Judge Tinsley.

**IT IS SO ORDERED** this 31st of August, 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge